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10/609,348	06/27/2003	Fred W. Balsiger	13768.409	8232

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EXAMINER

TECKLU, ISAAC TUKU

ART UNIT	PAPER NUMBER
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2192

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/609,348	Applicant(s) BALSIGER ET AL.	
	Examiner Isaac T. Tecklu	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 1942.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on 06/27/2003.
2. Claims 1-42 have been examined.

Oath/Declaration

3. The office acknowledges receipt of a properly signed oath/declaration filed on 06/27/2003.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 9-18 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter
6. Claim 9 recites "computer-readable media" defined to include wireless connection (in paragraph [0039]). Thus, under the Interim Guidelines such media do not fall within one of the four statutory classes of 35 U.S.C. 101 (See Annex IV). Therefore, the above claims are non-statutory.

A computer-readable media is a tangible physical article or object, some form of matter, which a signal (infrared)/carrier wave is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal/carrier wave, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal/carrier wave does not fall within one of the four statutory classes of Sec. 101.

See Annex IV (c) Electro-Magnetic Signals, Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (signed October 26, 2005) – OG Cite: 1300 OG 142. Online version can be retrieved at

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>

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Under the principles of compact prosecution, claims 41-43 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC 101 issues. For example, A computer-readable physical storage medium...-

Claims 10-18 are rejected for failing to cure the deficiencies of the above rejected non-statutory claim 9 above.

7. Claims 1-8, 19-26 and 27-36 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory matter.

The Federal Circuit has recently applied the practical application test in determining whether the claimed subject matter is statutory under 35 U.S.C. § 101. The practical application test requires that a “useful, concrete, and tangible result” be accomplished. An “abstract idea” when practically applied is eligible for a patent. As a consequence, an invention, which is eligible for patenting under 35 U.S.C. § 101, is in the “useful arts” when it is a machine, manufacture, process or composition of matter, which produces a concrete, tangible, and useful result. The test for practical application is thus to determine whether the claimed invention produces a “useful, concrete and tangible result”.

8. Claims 1, 19 and 27 recite receiving a message generated within the visual user interface development tool; sending the message to be checked against a centralized behavior stack for one or more behaviors to use in processing the message; checking the centralized behavior stack containing currently available behaviors for processing messages to determine if a behavior is available; and if a behavior is available on the centralized behavior stack, then passing the message to the available behavior for processing. As a whole, the claims lack teaching as to what is being transformed or what action is taken as a result of the checking the centralized behavior stack. That, the claims do not enable the realization of a concrete result because what result being inferred from said checking remains a concept or a non-tangible representation that cannot materialize itself out and into a tangible outcome without teaching from the claim for conveying that an explicit action is executed to yield a result based upon such said checking steps. In addition, the claims lack to teach tangible result if a behavior is not available on the centralized behavior stack. Notice that, just “passing the message ... for processing” that is, merely amount to return a value (after receiving a message/request) for processing has not yield a practical useful result just yet. Rather, the specification [0004]-[0006] relay such a practical useful result would benefit at development time dynamically. It is also noted that such a limitation “dynamically at development times” is only recited in the preamble of the claim. Absent any

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tangible result, the claimed invention thus fails to fulfill the Practical Test Application; and is rejected for leading to a non-statutory subject matter.

Claims 2-8, 20-26 and 28-36 are rejected for failing to cure the deficiencies of the above rejected non-statutory claims 1, 19 and 27 above.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Craycroft et al. (US 6,731,310 B2).

As per claim 1, Craycroft discloses in a computer system that supports a visual user interface development tool (e.g. FIG. 11 and related text), a method of centrally managing user interface state information for the visual user interface development tool such that behavior for one or more user interface components or the visual user interface development tool itself may be defined dynamically at development time (e.g. FIG. 2C-2E and related text), the method comprising acts of:

receiving a message generated within the visual user interface development tool (col. 23:42-48 "... it received its initialize message ...");

sending the message to be checked against a centralized behavior stack for one or more behaviors to use in processing the message (col. 9: 20-30 "... sends its own command to the graphic subsystem ...");

checking the centralized behavior stack containing currently available behaviors for processing messages to determine if a behavior is available (col.9: 35-45 "... determine the particular object to which the drawing procedure ..." and e.g. FIG. 6 and related text); and if a behavior is available on the centralized behavior stack, then passing the message to the available behavior for processing (col. 11:1-10 "... send commands through the appearance management layer ...").

As per claim 2, Craycroft discloses a method as recited in claim 1, wherein the behavior is available on the centralized behavior stack, and wherein the behavior is associated with the visual user interface development tool (e.g. FIG. 11, element 140-144 and related text), as opposed to an individual user interface component within the visual user interface development tool (e.g. FIG. 2C, element 144 and related text).

As per claim 3, Craycroft discloses a method as recited in claim 1, wherein the behavior is available on the centralized behavior stack, and wherein the behavior is associated with an individual user interface component within the visual user interface development tool, as opposed to the visual user interface development tool itself (col. 2:62-68 "... menu 140 of FIG. 11 allows users to specify an overall appearance/behavior by selecting ...").

As per claim 4, Craycroft discloses a method as recited in claim 3, wherein the individual user interface component comprises a third party component developed separately from the visual user interface development tool (e.g. FIG. 4 and related text).

As per claim 5, Craycroft discloses a method as recited in claim 3, wherein the behavior comprises asking the individual user interface component for any glyphs that are part of the individual user interface component (e.g. glyphs illustrated in FIG. 5 and related text).

As per claim 6, Craycroft discloses a method as recited in claim 1, further comprising acts of: receiving the behavior from a component within the visual user interface development tool during development time (col. 8:55-65 "... allow the theme designer to plug in new glyphs

...”); and pushing the behavior on the centralized behavior stack (e.g. FIG. 13, element 108 and related text).

As per claim 7, Craycroft discloses a method as recited in claim 1, wherein no behavior is available on the centralized behavior stack for processing the message, the method further comprising an acts of: checking for a successfully hit tested glyph with a corresponding glyph behavior for the message (e.g. glyphs illustrated in FIG. 5 and related text); and if available, passing the message to the glyph behavior of the successfully hit tested glyph (col. 8:55-65 “... allow the theme designer to plug in new glyphs ...”).

As per claim 8, Craycroft discloses a method as recited in claim 1, further comprising an act of receiving one or more glyphs with corresponding glyph behavior from a component within the visual user interface development tool during development time (col. 8:55-65 “... allow the theme designer to plug in new glyphs ...”), wherein each of the one or more glyphs is capable of hit testing and painting itself (e.g. glyphs illustrated in FIG. 5 and related text).

As per claim 9, this is the program product version of the claimed method discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 10, this is the program product version of the claimed method discussed above (Claim 3), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 11, Craycroft discloses a computer program product as recited in claim 9, the method further comprising acts of: receiving the behavior from a component within the visual user interface development tool during development time; and pushing the behavior on the centralized behavior stack (col. 23:42-48 “... it received its initialize message ...”).

As per claim 12, Craycroft discloses a computer program product as recited in claim 11, wherein the behavior corresponds to a particular action either being performed or to be performed on a user interface component within the visual user interface development tool, the method further comprising an act of popping the behavior off the centralized behavior stack when the particular action is completed (col. 9: 20-30 "... sends its own command to the graphic subsystem ...").

As per claim 13, Craycroft discloses a computer program product as recited in claim 12, wherein the centralized behavior stack enforces the existence of a single state for the particular action (col. 2:62-68 "... menu 140 of FIG. 11 allows users to specify an overall appearance/behavior by selecting ...").

As per claim 14, this is the program product version of the claimed method discussed above (Claim 7), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 15, this is the program product version of the claimed method discussed above (Claim 8), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 16, Craycroft discloses computer program product as recited in claim 9 wherein the visual user interface development tool comprises an adorer window that intercepts all messages directed to the visual user interface development tool (e.g. glyphs illustrated in FIG. 5 and related text).

As per claim 17, Craycroft discloses a computer program product as recited in claim 16, wherein the one or more glyphs are organized into one or more adorer layers (e.g. glyphs illustrated in FIG. 5 and related text).

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As per claim 18, Craycroft discloses a computer program product as recited in claim 17, the method further comprising an act of disabling at least one of the one or more adorning layers (col. 2:62-68 "... menu 140 of FIG. 11 allows users to specify an overall appearance/behavior by selecting ...").

As per claim 19, this is method version of the claimed the program product discussed above (Claim 9), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 20, this is method version of the claimed the program product discussed above (Claim 10), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 21, Craycroft discloses a method as recited in claim 19, further comprising: an act of receiving the behavior from a component within the visual user interface development tool during development time; and a step for adding the behavior to the extensible behavior store (col. 8:55-65 "... allow the theme designer to plug in new glyphs ...").

As per claim 22, this is method version of the claimed the program product discussed above (Claim 14), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 23, Craycroft discloses a method as recited in claim 22, wherein no successfully hit test glyph with corresponding glyph behavior is available for the message.

As per claim 24, this is method version of the claimed the program product discussed above (Claim 15), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

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As per claim 25, Craycroft discloses method as recited in claim 19, wherein the message comprises one of a user event, a mouse message, and a keyboard message (e.g. FIG.2C and related text).

As per claim 26, Craycroft discloses a method as recited in claim 19, wherein the centralized and extensible behavior store contains all currently available behaviors (e.g. glyphs illustrated in FIG. 5 and related text).

As per claim 27, this is computer program version of the claimed the method discussed above (Claim 19), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 28, this is computer program version of the claimed the method discussed above (Claim 20), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 29, this is computer program version of the claimed the method discussed above (Claim 21), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 30, this is computer program version of the claimed the method discussed above (Claim 22), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 31, Craycroft discloses a computer program product as recited in claim 27, wherein the behavior defines a new custom behavior previously unavailable within the visual user interface designer (col. 8:55-65 "... allow the theme designer to plug in new glyphs ...").

As per claim 32, this is computer program version of the claimed the method discussed above (Claim 24), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Craycroft.

As per claim 33, Craycroft discloses a computer program product as recited in claim 32, wherein the one or more glyphs are organized into one or more adorning layers (col. 2:62-68 "... menu 140 of FIG. 11 allows users to specify an overall appearance/behavior by selecting ...").

As per claim 34, Craycroft discloses a computer program product as recited in claim 33, the method further comprising an act of disabling at least one of the one or more adorning layers (col. 9: 20-30 "... sends its own command to the graphic subsystem ...").

As per claim 35, Craycroft discloses a computer program product as recited in claim 32, wherein the one or more glyphs comprise at least one custom glyph for the component (e.g. glyphs illustrated in FIG. 5 and related text).

As per claim 36, Craycroft discloses a computer program product as recited in claim 32, wherein the message corresponds to at least one of a hit test message and a paint message (e.g. glyphs illustrated in FIG. 5 and related text).

As per claim 37, Craycroft discloses a computer program product comprising one or more computer readable media carrying computer executable instructions that centralizes component behavior for a visual user interface development tool and permits a component to define at development time one or more custom behaviors that are specific to the component itself or applicable the visual user interface development tool, the computer executable instructions comprising:

an extensible behavior stack that contains one or more development time specified behaviors for the visual user interface development tool or a component within the visual user interface development tool (col. 23:42-48 "... it received its initialize message ...");

a extensible collection of one or more adorners, each containing one or more development time specified glyphs capable hit testing and painting themselves, wherein at least one of the one or more glyphs includes a reference to a glyph behavior to invoke when a successful hit test has been determined (col. 9: 20-30 "... sends its own command to the graphic subsystem ..."); and

a message router that routes one or more received messages to either the extensible behavior stack or the extensible collection of one or more adorners (col.9: 35-45 "... determine the particular object to which the drawing procedure ..." and e.g. FIG. 6 and related text).

As per claim 38, Craycroft discloses a computer program product as recited in claim 37, the computer executable instructions further comprising an adorer window that intercepts one or more messages directed to the visual user interface development tool (col. 11:1-10 "... send commands through the appearance management layer ...").

As per claim 39, Craycroft discloses a computer program product as recited in claim 37, wherein the message router routes a received user event message, a received mouse message, or a received keyboard message to the extensible behavior stack (col. 23:42-48 "... it received its initialize message ...").

As per claim 40, Craycroft discloses a computer program product as recited in claim 37, wherein the message router routes a received a received hit test message or a received paint message to the extensible collection of one or more adorners (col. 23:42-48 "... it received its initialize message ...").

As per claim 41, Craycroft discloses a computer program product as recited in claim 37, wherein the one or more adorners organize the one or more development time specified glyphs into layers which can be independently disabled and enabled (e.g. glyphs illustrated in FIG. 5 and related text).

As per claim 42, Craycroft discloses a computer program product as recited in claim 37, wherein the component within the visual user interface development tool comprises a third

party component developed separately from the visual user interface development tool (e.g. FIG. 11 and related text).

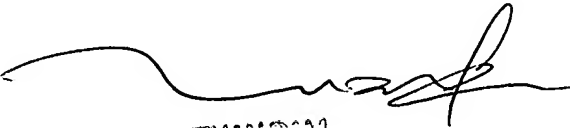
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac T. Tecklu whose telephone number is (571) 272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isaac Tecklu
Art Unit 2192


TUAN Q. DAM
SUPERVISORY PATENT EXAMINER